

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GUERDA Decilien

Write the full name of each plaintiff.

19 CV 7634
(Include case number if one has been assigned)

-against-

Do you want a jury trial?

☒ Yes ☐ No

Related Partners Inc;
Artero Jimenez; Hudson Yards Construction LLC;
Katherine Block; Hudson Yards Construction II LLC;
Hudson Yards Construction Holdings LLC.

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

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2019 AUG 14 PM 3:28

I. PARTIES**A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Guerra Occilien
 First Name Middle Initial Last Name
522 West 147th Street Apt # 31
 Street Address
New York NY 10031
 County, City State Zip Code
646-577-3301 g.occilien@yahoo.com
 Telephone Number Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1: Related Partners, Inc.
 Name
460 West 34th Street 8th floor
 Address where defendant may be served
New York, NY 10001
 County, City State Zip Code
 Defendant 2: Artero Jimenez; Katherine Block
 Name
unknown
 Address where defendant may be served
 County, City State Zip Code

Hudson Yards Construction II Holdings LLC

Hudson Yards Construction II LLC

Defendant 3:

Hudson Yards Construction LLC

Name

C/O Corporation Service Company

Address where defendant may be served

80 State Street

County, City

Albany, New York

State

Zip Code

12207

II. PLACE OF EMPLOYMENT

The address at which I was employed or sought employment by the defendant(s) is:

Hudson Yards Field Office

Name

460 West 34th Street 8th floor

Address

New York, NY 10001

County, City

State

Zip Code

III. CAUSE OF ACTION

A. Federal Claims

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☒ Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

☒ race:

Black - Haitian

☒ color:

Black

☐ religion:☒ sex:

Act of Harassment and Hostile Work Environment

☐ national origin:

☒ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is:

Haitian - Black

☐ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: _____

☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: _____

☐ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: _____

☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

B. Other Claims

In addition to my federal claims listed above, I assert claims under:

☐ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status

☐ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status

☐ **Other** (may include other relevant federal, state, city, or county law):

IV. STATEMENT OF CLAIM

A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☒ did not hire me
- ☐ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☐ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☐ other (specify): _____

B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

See attached exhibit # A

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? 05 / 2018

☐ No

Have you received a Notice of Right to Sue from the EEOC? #16G-2018-04307

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? 05 / 16 / 2019

When did you receive the Notice? 05 / 16 / 2019

☐ No

VI. RELIEF

The relief I want the court to order is (check only those that apply):

☐ direct the defendant to hire me

☐ direct the defendant to re-employ me

☐ direct the defendant to promote me

☐ direct the defendant to reasonably accommodate my religion

☐ direct the defendant to reasonably accommodate my disability

☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

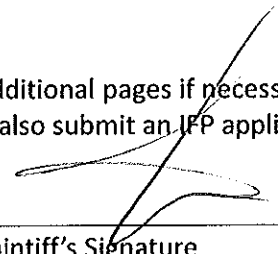
40 hours a week time, 40 hour an hour
1600 a week. 52 weeks since termination
= 83,200.00; in lost wages.

VII. PLAINTIFF'S CERTIFICATION

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

Dated 8/14/2019 Plaintiff's Signature 
 First Name Guierda Middle Initial Last Name Decilien
 Street Address 522 West 147th Street Apt #31
New York, NY State 10031 Zip Code
 County, City Telephone Number 646-577-3301 Email Address (if available) g.decilien@yahoo.com

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Exhibit # A

August 14, 2019

My name is Guerda Occilien, On August 16, 2016, I began working for Related Partners Inc. at Hudson Yards to replace a Treasury Analyst on maternity leave. I was under contract and supervised by Katherine Block, Vice President of Treasury – located at 460 West 34th Street, New York, NY 10001.

I performed my job competently and admirably, however, within a few weeks of starting work, Art Jimenez began calling after me and soon began touching me by placing his hand on my shoulder; furthermore, Mr. Jimenez called me low energy despite him not being my supervisor or familiar with my work.

The Treasury Analyst came back on November 28, 2016 and Katherine asked that I stay for the month of December and that she would try to get me a permanent position. Within days I got transferred to Mr. Jimenez to work in Hudson Yards Construction.

The same day I got transferred to Mr. Jimenez on or around December 6 or 9, 2016, I had a meeting with him. During the meeting, he told me that I was here to be hired and that he would do all he can to get me hired. Soon after, he uncrossed his legs, leaned towards me with his front pants zipper open, held his neck tie, which was still on his neck, and used his tie to slap the top of my thighs. I immediately informed Mr. Jimenez that his actions were unwelcome and unprofessional. Later that same day I complained to Katherine Block of Mr. Jimenez's actions and stated that I did not sign up for this kind of treatment.

Following my complaint to Ms. Block, Mr. Jimenez began to retaliate against me immediately. I tried to avoid this man at all cost. He had made my work area so hostile that in or around January 2017, I went to Ms. Block's office crying and complaining about Mr. Jimenez. I asked her to fire me. I also complained to Nicholas Tzakas, President of Accounting, and Mr. Jimenez's manager, Nicholas Tzakas.

In or around mid-July 2017 Mr. Jimenez walked towards me trying to grab my crotch. Shocked and appalled, I put my hands up to stop Mr. Jimenez's advance and he walked away.

Hudson Yards did not hire black for this contract. All the black employees were contracted and retained for a year on contract with no benefit. Hudson Yards did hire nonblack employees. From late December 2016 to July 2017, they did not hire a single permanent black employee, but they did hire non-black employees.

At no time did Defendants' address or remedy my complaints for the duration of my employment; indeed, Defendants' only response was an empty apology that did nothing to change the inappropriate behavior.

Sincerely,

Guerda Occilien

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Guerda Occilien
522 West 147th Street
Apt. 3I
New York, NY 10031

From: New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2018-04307

Holly M. Shabazz,
State & Local Program Manager

(212) 336-3643

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

Enclosures(s)

Kevin J. Berry,
District Director

May 16, 2019

(Date Mailed)

cc:

RELATED PARTNERS INC.
Attn: Director of Human Resources
460 West 134th Street
New York, NY 10001